

**Cheryl R. Winn**  
**Attorney At Law**

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March 14, 2005

RECEIVED

MAR 15 2005

PUBLIC SERVICE  
COMMISSION

Ms. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

Re: C. Maxwell Brown, Jr., Complainant v. BellSouth Telecommunications,  
Inc., Defendant; PSC 2004-00441

Dear Ms. O' Donnell:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Response to the Commission Staff's First Data Request.

Attachments A-F to BellSouth Response contain confidential, commercial, or proprietary information and, pursuant to 807 KAR 5:001, Section 7, enclosed is BellSouth's Confidentiality Petition. One copy of the proprietary information is provided to the Commission. The entirety of the Attachments is proprietary and, therefore, there is not an edited version of the Attachments. Requisite edited copies are provided for the public file. An edited copy is also provided to the party of record in this case.

Sincerely,

  
Cheryl R. Winn

Enclosures

cc: Party of Record

576782

**EDITED**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**  
**MAR 15 2005**  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

C. MAXWELL BROWN, JR., M.D. )  
COMPLAINANT )  
 )  
v. ) CASE NO. 2004-00441  
 )  
BELLSOUTH TELECOMMUNICATIONS, INC. )  
DEFENDANT )

CONFIDENTIALITY PETITION  
PURSUANT TO 807 KAR 5:001 SECTION 7

Petitioner, BellSouth Telecommunications, Inc., ("BellSouth" or the "Company"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to 807 KAR 5:001, Section 7, to treat the following internal documents as confidential in accordance with the Commission's regulations:

- Attachment A - Basic Training for Small Business Service Third Party Sales Agents
- Attachment B - Basic Training for Small Business Service Inbound Sales Channels\*
- Attachment C - Basic Training for Partners
- Attachment D - Small Business Service Key Customer Program 2003 Methods and Procedures
- Attachment E - Key Customer Job Aid (Outbound)
- Attachment F - Key Customer Job Aid

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act.

KRS 61.878 (1)(c). To qualify for this commercial information exemption and, therefore, keep the information confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of the party seeking confidentiality if openly disclosed. KRS 61.878 (1)(c); 807 KAR 5:001, §7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and a likelihood of competitive injury if the information is disclosed.

The documents described above are commercially valuable documents created for BellSouth's internal business. BellSouth has invested capital and personnel resources in creating the documents which, if made public, could be valuable to competitors by possibly reducing their cost of preparing a similar document. Moreover, the material represents a competitive offering for exchange access service. Furthermore, sensitive market research information is contained in the attached materials.

BellSouth's competitors include interexchange service carriers, competitive access providers (CAPs), competitive local exchange carriers, fiber network providers and cable TV providers. Because of this, this material should be protected from disclosure.

As further grounds for this petition, BellSouth states as follows:

- (1) The information as to which BellSouth is requesting confidential treatment is not known outside of BellSouth;
- (2) The information is not disseminated within BellSouth and is known only by those of BellSouth's employees who have a legitimate business need to know and act upon the information;
- (3) BellSouth seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices;
- (4) The disclosure of this information would cause competitive injury to BellSouth in that it would provide BellSouth's competitors with sensitive data with respect to one of BellSouth's services; and
- (5) By granting BellSouth's petition, there would be no damage to any public interest in disclosure. In fact, the public would be best served by non-disclosure because competition would thereby be promoted.

For the foregoing reasons, BellSouth asks that its petition for confidential treatment of BellSouth's internal documents described herein be granted.

Respectfully submitted,



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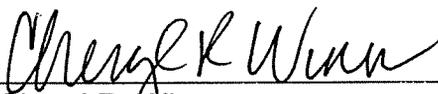
Cheryl R. Winn  
601 W. Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY 40232  
Telephone No. (502) 582-1475

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

576849

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individual  
by mailing a copy thereof, this 14th day of March 2005.

  
Cheryl R. Winn

C. Maxwell Brown, Jr., MD  
2900 Virginia Avenue  
Bardstown, KY 40004

REQUEST: Regarding BellSouth's answer to the Complaint, page 2, paragraph 4, provide all information pertaining to marketing of the "Key Customer Program Subscriber Election" offer. Include scripts, training material, and any other documentation that BellSouth or its agents relied upon or were directed to rely upon while soliciting customers.

RESPONSE: Please refer to the following attachments:

- Attachment A – Basic Training for Small Business Service Third Party Sales Agents
- Attachment B – Basic Training for Small Business Service Inbound Sales Channels
- Attachment C – Basic Training for Partners
- Attachment D – Small Business Service Key Customer Program 2003 Methods and Procedures
- Attachment E – Key Customer Job Aid (Outbound) .
- Attachment F – Key Customer Job Aid

**Attachments A-F  
are proprietary.  
There are no  
edited copies of  
the Attachments.**